

CALIFORNIA STATE PERSONNEL BOARD MEETING  
455 Golden Gate Avenue  
San Francisco, California 94102  
(415) 703-4100 FAX (415) 703-4604

Public Session Location - Room 9

Closed Session Location - Room 7

FULL BOARD MEETING MINUTES\*\*

DECEMBER 2, 2003

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

William Elkins, President  
Ron Alvarado, Vice President  
Sean Harrigan, Member  
Anne Sheehan, Member  
Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The job announcement for the State Personnel Board (SPB) Executive Officer examination was released on Monday, December 1, 2003. The final filing date for the examination is January 23, 2004.

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\*\* The State Personnel Board Summary Minutes can be obtained at the following Internet address:  
<http://www.spb.ca.gov/calendar.htm>

- B. Approximately 60 plus regulations will be impacted by the recently issued Governor's Executive Order on regulations. SPB will draft the required Administration reports for Board review.
- C. Reports on civil service employees on Surplus, State Restriction on Appointment and Reemployment lists were provided to the Board.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel Reported on the following:

Legal News:

- A. Schifando v. City of Los Angeles - California Supreme Court issued a decision December 1, 2003, finding a city employee did not have to exhaust his administrative remedies under the city's charter before filing a Fair Employment & Housing Agency claim in superior court. The decision can be found at:  
<http://www.courtinfo.ca.gov/opinions/documents/S106660.PDF>
- B. Department of Health Services v. Superior Court (McGuiness) - California Supreme Court issued its decision in this case finding that an employer is strictly liable under the Fair Employment and Housing Act; a plaintiff's recoverable damages, however, do not include those damages that the plaintiff could have avoided with reasonable effort and without undue risk, expense, or humiliation. The decision can be found at:  
<http://www.courtinfo.ca.gov/opinions/documents/S103487.PDF>

Litigation:

- A. Association of California State attorneys and Administrative Law Judges v. Department of Personnel Administration - California Supreme Court has granted review.
- B. State Personnel Board v. Department of Administration - (Post and Bid) - Oral argument held November 17, 2003.
- C. Godfrey v. State Personnel Board - Writ issued commanding State Personnel Board to set aside decision and to allow appellant to present new evidence based on report by Office of Inspector General.

- D. Arnold v. State Personnel Board - Arnold has appealed superior court decision upholding Board's decision sustaining discipline.

4. REPORT ON LEGISLATION - Sherry Hicks

No report given.

5. ELECTION OF BOARD OFFICERS

ACTION: On December 2, 2003, the Board unanimously re-elected William Elkins as President and Ron Alvarado as Vice President. Sean Harrigan was re-elected as the Board's PERS representative. These positions are effective as of January 1, 2004.

VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye.

6. ORAL ARGUMENT

Oral argument in the matter of DAVID ADAMS, CASE NO 02-3301  
Appeal from dismissal. Department of Corrections

Persons Participating:

Steve Jennings, Attorney, representing California Department  
of Corrections

Mark Kruger, Attorney, representing appellant

ACTION: Submitted

7. ORAL ARGUMENT

Oral argument in the matter of CYNTHIA GEORGE, CASE NO'S 02-  
4017 & 03-1058. Appeal from a two-week and a three-week  
suspension.

Unemployment Insurance Appeals Board.

Persons Participating:

Ralph W. Hilton, Chief Council, representing California  
Unemployment Insurance Appeals Board

Barry Bennett, Attorney, representing appellant

ACTION: Submitted

BOARD ACTIONS

8. STATE PERSONNEL BOARD SUMMARY MINUTES OF NOVEMBER 4, 2003

ACTION: Adopted on December 2, 2003.

VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye

9. ACTION ON SUBMITTED ITEMS

(See Minute Page 22-23 for actions)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category under Evidentiary Cases.

10. EVIDENTIARY CASES

On December 2, 2003, the Board adopted by vote as indicated below, the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye

[NOTE] Board member Sheehan abstained from voting on Item A-Board Cases Submitted, for Harry Miller, Lawrence Schaefer & Adrein Smith and Board member Tom abstained from voting on Adrein Smith. Board member Harrigan abstained from voting on Item D-Board Remand, for Jerry Coutee.

BOARD CASES SUBMITTED

These cases were submitted at a prior meeting.

RICHARD COELHO, CASE NO. 02-1796R  
Appeal from constructive medical termination  
Fish and Game Warden  
Department of Fish and Game  
NO ACTION

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GAYLE MCCORMICK, CASE NO. 99-1549C

Appeal from demotion

Correctional Captain

Department of Corrections

ACTION: On December 2, 2003, adopted Board decision  
revoking demotion \*

HARRY MILLER, CASE NO. 02-0160

From demotion and reassignment from the position of  
Correctional Sergeant with the Transportation Unit at  
Sacramento to the position of Correctional Officer with  
Norco - California Rehabilitation Center

Department of Corrections

ACTION: On December 2, 2003, adopted Board decision  
modifying demotion and reassignment to demotion for one  
year and reassignment

LAWRENCE SCHAEFER, CASE NO. 02-0079

Appeal from 60-calendar days suspension

and reassignment from the position of

Correctional Officer with the Transportation Unit,

Department of Corrections at Sacramento to the position  
of Correctional Officer

Chino - State Prison

Department of Corrections

ACTION: On December 2, 2003, adopted Board decision  
modifying 60-calendar days suspension and reassignment  
to 30-calendar days suspension and awarded back pay,  
interest and benefits

ADREIN SMITH, CASE NO. 02-0896

Appeal from non-punitive termination

Correctional Officer

Tehachapi - California Correctional Institution

Department of Corrections

ACTION: On December 2, 2003, adopted Board decision  
revoking non-punitive termination

\*Adopted as Precedential Decision(s) # 03-05.

NOTE: Precedential Decisions of the State Personnel Board can  
be obtained at the following Internet address: [www.spb.ca.gov](http://www.spb.ca.gov)  
under "Decisions."

B. CASES PENDING

Oral/Written Arguments for Board consideration on  
December 2, 2003

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

DAVID ADAMS, CASE NO. 02-3301

Appeal from dismissal

Correctional Officer

Jamestown - Sierra Conservation Center

Department of Corrections

ACTION: Oral argument held and matter taken under submission

ELEANORE CHASSEY, CASE NO. 03-1173

Appeal from five days suspension

Administrative Law Judge I

Unemployment Insurance Appeals Board

ACTION: Written argument presented and matter taken under submission

CYNTHIA GEORGE, CASE No's 02-4017 & 03-1058

Appeal from a two week and a  
three week suspension

Administrative Law Judge

Unemployment Insurance Appeals Board

ACTION: Oral argument held and matter taken under submission

• Other

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

DORYANNA ANDERSON-JOHNSON, CASE NO. 00-1687

Appeal from denial of reasonable accommodation

Correctional Lieutenant

California Rehabilitation Center - Norco

Department of Corrections

NO ACTION

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SAMUEL BRYANT, CASE NO. 00-4238  
Appeal from dismissal  
Youth Correctional Officer  
Department of Youth Authority  
NO ACTION

RANDALL DODSON, Case No. 03-1587  
Appeal from non-punitive termination  
Caltrans Equipment Operator I  
Department of Transportation  
NO ACTION

FERNANDO V. GANDARA, JR., CASE NOS 99-3867 & 02-4037  
Appeal from Order to Show Cause &  
Discrimination/Retaliation  
Business Services Assistant & Staff Services Analyst  
Department of Veterans Affairs  
NO ACTION

FRANK GARCIA, CASE NO. 03-1906  
Appeal from Dismissal  
Caltrans Highway Maintenance Worker  
Department of Transportation  
NO ACTION

THEODORE HUGHING, CASE NO. 03-0354  
Appeal from Medical Termination  
Food Service Supervisor I  
Department of Developmental Services  
NO ACTION

PAUL H. KEMP, Case No. 01-2841  
Appeal from dismissal  
Teacher Assistant - Youth Correctional  
Reception Center and Clinic - Sacramento  
Department of the Youth Authority  
NO ACTION

TIMOTHY SHINE, CASE NO. 01-3796  
Appeal from eight work days suspension  
Building Services Engineer  
San Marcos - California State University  
California State University  
NO ACTION

NANCY VALENTINO, Case No. 03-0699  
Appeal from dismissal  
Psychiatric Technician  
Department of Developmental Services  
NO ACTION

BOBBY WANG, CASE NO. 02-2684  
Appeal from dismissal  
Motor Vehicle Field Representative  
Department of Motor Vehicles  
NO ACTION

C. CHIEF COUNSEL RESOLUTIONS

- Court Remands

These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681, by the Chief Counsel's Office.

ALFRED MYAH, CASE NO. 03-0195  
Appeal from four-step reduction  
in salary for twelve months  
Senior Psychiatric Technician  
San Jose Developmental Center  
Department of Developmental Services  
NO ACTION

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

JOHN BARTOLONE, CASE NO. 00-3166B  
Appeal for back pay after reinstatement to the position of Investigator, DMV (Range A)  
Department of Motor Vehicles  
ACTION: Back pay awarded



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PHILLIP CAMPBELL, CASE NO. 02-1565  
Appeal from official reprimand  
Correctional Officer  
California State Prison - Avenal  
Department of Corrections  
ACTION: Official Reprimand revoked

JAMES CARRILLO, CASE NO. 03-2549  
Appeal from dismissal  
Correctional Officer  
California State Prison - Corcoran  
Department of Corrections  
ACTION: Dismissal sustained

CHIN CHOO, CASE NO. 03-1981  
Chief Psychiatrist  
Appeal from official reprimand  
California State Prison - Corona  
Department of Corrections  
ACTION: Official Reprimand sustained

PHILIP CONNELLY, CASE NO. 03-0632  
Appeal from dismissal  
Fraud Investigator  
Department of Health Services  
ACTION: Dismissal sustained

SHAWN DONAHUE, CASE NO. 03-1613  
Appeal from five-percent reduction  
in salary for six months  
Correctional Captain  
California State Prison, San Quentin,  
Department of Corrections  
ACTION: Five percent reduction in salary for six  
months revoked

BRYAN R. DWINELL, CASE NO. 03-1908  
Appeal from dismissal  
Caltrans Highway Maintenance Worker  
Department of Transportation  
ACTION: Dismissal sustained

CATHY FISH, CASE NO. 03-1167  
Appeal from dismissal  
Office Assistant  
Department of Parks and Recreation  
ACTION: Dismissal sustained

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CYNTHIA GEORGE, CASE NO. 03-2494  
Appeal from suspension  
Administrative Law Judge I  
Unemployment Insurance Appeals Board  
ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself

MERCY HALLIDAY, CASE NO. 03-2021  
Appeal from dismissal  
Psychiatric Technician Assistant  
Department of Developmental Services  
ACTION: Dismissal revoked

MELBA B. LOUGHRIDGE, CASE  
NO. 03-0545  
Appeal from suspension for one week  
Senior Legal Typist  
Unemployment Insurance Appeal Board  
ACTION: Suspension sustained

YVETTE MACK, CASE 03-0453  
Appeal from 20-work days suspension  
Administrative Support  
Coordinator I  
California State University - Dominguez Hills.  
ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself

JAMES MCMILLIN, CASE NO. 02-3383  
Appeal from formal letter of reprimand  
Correctional Officer  
California State Prison - Blythe  
ACTION: Formal letter of reprimand revoked

TINA PARRINO, CASE NO. 02-4218  
Appeal from five working days suspension Commercial  
Vehicle Inspection Specialist I  
California Highway Patrol  
ACTION: Five working days suspension modified to an  
official reprimand

WENDALL POLK, CASE NO. 03-1804  
Limited-Term Psychiatric Technician Assistant  
Appeal from Rule 282 Separation for Cause  
Department of Mental Health  
ACTION: Appeal denied

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ALICE VAN-THU, CASE NO. 03-0413  
Appeal from automatic resignation  
Administrative Support  
Coordinator I  
California State University  
ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself

GREGORY VELASCO, CASE NO. 02-4196  
Appeal from five working days suspension  
Associate Caltrans Administrator  
Department of Transportation  
ACTION: Five working days suspension modified to an  
official reprimand

KEITH WATKINS, CASE NO. 03-2402  
Appeal from five-work days suspension  
Custodian  
California State University, Fresno  
ACTION: Five working days suspension modified to a  
two work days suspension

DONALD L. WILLIAMS, CASE NO. 03-1424  
From ten percent reduction in salary  
Youth Correctional Counselor, Chino  
Department of the Youth Authority  
ACTION: Ten percent reduction in salary for twelve  
pay periods modified to a five percent reduction in  
salary for six pay periods.

JULIA WILLIAMS, CASE NO. 02-0743E

MARY SONNTAG, CASE NO. 02-0742E

Appeal from discrimination

Investigator I

AND

JANICE DIEBOLD, CASE NO. 02-0608E

Appeal from discrimination

Office Technician (Typing)

Department of Motor Vehicles

ACTION: Discrimination complaint denied

MARQUEL D. WILSON, CASE NO. 03-1874

Appeal from dismissal

Caltrans Landscape Maintenance Worker

Department of Transportation

ACTION: Dismissal revoked

- Proposed Decisions Taken Under Submission At Prior Meeting

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

JERRY COUTEE, CASE NO. 03-0213R  
Appeal from Dismissal  
Caltrans Landscape Maintenance Worker  
Department of Transportation  
Dismissal Sustained

MARY HUTTNER, CASE NO. 02-1690  
Appeal from demotion  
Staff Services Manager I to the position of Associate  
Health Program Advisor (top step)  
Department of Health Services  
NO ACTION

FRANK OLIVAS, CASE NO. 02-3390  
Appeal from demotion  
Correctional Sergeant to  
Correctional Officer  
Blythe - State Prison  
Department of Corrections  
NO ACTION

BEVERLY WILSON, CASE NO. 03-1150  
Appeal from dismissal  
Administrative Support Assistant II  
California State University  
NO ACTION

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- On ALJ Proposed Decisions Adopted By The Board  
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

JOSE E. GONZALES, CASE NO. 03-0126P  
Appeal from dismissal  
Officer

California Highway Patrol

ACTION: Petition for rehearing filed by Appellant  
denied

DONALD KUNKEL, CASE NO. 02-4471P  
Appeal of Whistleblower Retaliation  
Caltrans Equipment Operator I  
Department of Transportation

ACTION: Petition for rehearing filed by Appellant  
denied

LINO VICENTE, CASE NO. 02-1967  
Appeal from dismissal  
Staff Services Analyst  
Department of Education

ACTION: Petition for rehearing filed by Appellant  
denied

- On Whistleblower Notice of Findings  
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et. seq. And 2 California Code of Regulations, section 56 et. seq.

NONE

11. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION  
18671.1 EXTENSION (See Minute Page 26-27)

ACTION: Adopted

12. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

On December 2, 2003, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.  
VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye.

RICHARD ALFARO, CASE NO. 03-0617  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DENIED

SHANE BALTIERRA, CASE NO. 03-0587  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

MARA CAPRON, CASE NO. 03-0227  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

MIGUEL CARRASCO, CASE NO. 03-0160  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

KRISTI CARTER, CASE NO. 02-3552  
Classification: Medical Technical Assistant, CF  
Department of Corrections  
ACTION: DENIED

EDWARD DACOSTA, CASE NO. 03-0168  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DENIED

VALERIE DINATALE, CASE NO. 03-0170  
Classification: Accountant I (Specialist)  
Department of Health Services  
ACTION: DENIED

JESUS FAJARDO, CASE NO. 03-0504  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

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TERRILL GRANT, CASE NO. 02-3809  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

SHEREMOYA HILL, CASE NO. 03-0531  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

CLYDE HOLLARS JR., CASE NO. 03-0720  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

AKOURA KONG, CASE NO. 03-0338  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

DENNIS MARGATE, CASE NO. 03-0647  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

STEVEN MILLER, CASE NO. 03-0079  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

GABRIEL MONTOYA, CASE NO. 02-3387  
Classification: Youth Correctional Officer  
California Youth Authority  
ACTION: DENIED

MARIO NISHIKAWA, CASE NO. 03-0378  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

CHARLES PRICE II, CASE NO. 03-0176  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

RENE PUENTES, CASE NO. 03-0383  
Classification: Correctional Officer  
Department of Corrections

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ACTION: GRANTED  
EMMET RAMIREZ, CASE NO. 03-0834  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

BRAD RAUCHMAN, CASE NO. 03-0787  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

KEVIN RICHARDSON, CASE NO. 03-0021  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

KIMBERLY SCHMIDT, CASE NO. 03-0022  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

DAWN SIMON, CASE NO. 03-0556  
Classification: Medical Technical  
Assistant, CF  
Department of Corrections  
ACTION: DENIED

KYLE SKEEN, CASE NO. 03-0821  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

RAYMOND SMITH, CASE NO. 03-0092  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

ANGELA STATT, CASE NO. 02-4417  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

REMON TADROUS, CASE NO. 03-0451  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DISMISSED



FELIPE TORRES, CASE NO. 03-0024  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED  
MARTIN TURRUBIATES, CASE NO. 03-0837  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

DAMIEN WONG, CASE NO. 03-0091  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

B. MEDICAL APPEALS

On December 2, 2003, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.  
VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye.

RUEBEN MADRIGAL, CASE NO. 03-2769  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: GRANTED

C. PETITIONS FOR REHEARING CASE

On December 2, 2003, the Board adopted the following decision presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.  
VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye.

DREW ARATANI, CASE NO. 02-3126  
Classification: Parole Agent I,  
Adult Parole  
Department of Corrections  
ACTION: DENIED

D. PSYCHOLOGICAL SCREENING CASES

On December 2, 2003, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.  
VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye.

MICHAEL CAMPOS, CASE NO. 03-3034  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

GREGORY CRAYTON, CASE NO. 03-3057  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

SALVATORE DRAGO, CASE NO. 03-3030  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

13. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

- A. PSYCHIATRIC TECHNICIAN  
The Department of Personnel Administration is requesting to make revisions to Alternative Range Criteria 110 for the Psychiatric Technician training program.

ACTION: Noted

14. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

- (1) COORDINATOR FOR BORDER AFFAIRS  
The State Water Resources Control Board (SWRCB) requests approval to establish a new Career Executive Assignment position to function as Coordinator for Border Affairs. This function and the incumbent currently performing the above, are being transferred to the SWRCB from the California Environmental Agency in recognition of the complex and long term nature of water quality challenges in the California/Mexico border region.
- (2) INVESTMENTS/PENSION FUNDS LIAISON OFFICER  
The State Treasurer proposes to allocate the above position to the CEA category. This position will provide support and expertise to the State

Treasurer in his/her position related to serving as a liaison between pension fund members, pensioners, the public and the press, and the deputy treasurer for the California Public Employee's Retirement System (CalPERS), the California State Teachers Retirement System (CalSTRS), and on State Treasurer's Office Investment issues. This person researches, proposes, develops, and assists in the implementation and communication of policy as it relates to the Treasurer and his position on the boards of CalPERS and CalSTRS, and assists the Treasurer and deputy treasurer in the development, coordination, and communication of sensitive and complicated policy and issues related to the pension fund's and investment operations.

(3) PUBLIC FINANCE LIAISON OFFICER

The State Treasurer proposes to allocate the above position to the CEA category. This position will provide support and expertise to the State Treasurer in his/her position related to serving as a liaison between investors, financial institutions, credit-rating agencies, the public and the press, and the deputy treasurer for public finance. This person researches, proposes, develops, and assists in the implementation and communication of policy as it relates to the Treasurer in his role as the State's chief investment officer, and assists the Treasurer and deputy treasurer for public finance in the development, coordination, and communication of sensitive and complicated policy related to complex public finance issues, including general-obligation, lease revenue bonds, debt service, and the State's credit rating.

(4) BOARDS AND COMMISSIONS ADVISER

The State Treasurer proposes to allocate the above position to the CEA category. This position will provide support and expertise to the State Treasurer in his/her position related to serving as an adviser to the numerous state boards and commissions on whose board the Treasurer serves as chairman, as their duties and activities relate to local communities, stakeholders, financial institutions, the public and the press. This person researches, proposes, develops, and assists in the implementation and communication of policy

as it relates to the Treasurer in his role as the chair of the various boards and commissions, and assists the Treasurer and the various board and commission executive directors in the development, coordination and communication of sensitive and complicated policy.

- (5) DIRECTOR, DATA MANAGEMENT DIVISION  
The Department of Education proposes to allocate the above position to the CEA category. The Director, Data Management Division provides policy guidance to the Department on data related issues. The responsibilities of the Division Director are unique in that the Director is responsible for coordinating a Department-wide change process and implementing policies that will guide the Department in data management for years to come.
- (6) EXECUTIVE MANAGER, COLORADO RIVER AFFAIRS  
The Department of Water Resources proposes to allocate the above position to the CEA category. The Executive Manager, Colorado River Affairs, is responsible for Department implementation of the Colorado River Quantification Settlement Agreement and for Salton Sea restoration in accordance with implementing legislation enacted in 2003.
- (7) CHIEF, PERSONNEL MANAGEMENT DIVISION  
The California Highway Patrol proposes to allocate the above position to the CEA category. The Chief, Personnel Management Division has overall management responsibility for the California Highway Patrol's personnel functions and directs the administration of the planning, development, and management of the Department's personnel management program, as well as the formulation and implementation of statewide personnel policy.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO  
ESTABLISH NEW CEA POSITIONS

- (1) ASSISTANT SECRETARY, BORDER AFFAIRS  
The State Water Resources Control Board has withdrawn their request to establish the above position to the CEA category effective November 8, 2003.

- (2) DEPUTY DIRECTOR, FINANCIAL ASSISTANCE, WATER RIGHTS AND ADMINISTRATION  
The State Water Resources Control Board's request to establish the above position to the CEA category has been approved effective November 6, 2003.
- (3) ASSISTANT EXECUTIVE OFFICER, HEALTH BENEFITS  
The California Public Employees Retirement System's request to establish the above position to the CEA category has been approved effective November 5, 2003.
- (4) DEPUTY ASSISTANT SECRETARY OF PROPOSITION 50, STATEWIDE BOND IMPLEMENTATION  
The California Department of Forestry and Fire Protection's request on behalf of the Resources Agency to establish the above position to the CEA category has been approved effective November 6, 2003.
- (5) CHIEF, INVESTIGATION DIVISION  
The Department of Insurance's request to establish the above position to the CEA category has been approved effective November 6, 2003.
- (6) SPECIAL ASSISTANT, BOND FINANCING, DIVISION OF FINANCIAL ASSISTANCE  
The State Water Resources Control Board's request to establish the above position to the CEA category has been approved effective November 10, 2003.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERLY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

3. ANSWERS OR APPEALS FILED WITH STATE PERSONNEL BOARD  
State Personnel Board (SPB) staff is proposing to adopt new Rule 63 to require, in part, that answers or appeals filed with SPB, requesting that a hearing or investigation be conducted by SPB, notify the responding party of all planned affirmative defenses and requests for relief. (Hearing held February 3, 2003).

NO ACTION

4. TELEVISION SPECIALIST (SAFETY)  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

5. PSC NO. 03-04  
Appeal of the California Department of Education and McGeorge School of Law from the Executive Officer's April 30, 2003, disapproval of a contract for special education mediation conferences and due process hearings.  
(Hearing held October 7, 2003).

NO ACTION

6. PSC NO. 03-06, 03-07 AND 03-08  
Appeal of the State Compensation Insurance Fund from the Executive Officer's June 13, 2003 disapproval of contracts for payroll auditing, clerical and adjusting services in response to the review request filed by the California State Employees Association. (Hearing held November 4, 2003).

ACTION: On December 2, 2003, adopted Board decision sustaining the Executive Officer's June 13, 2003, disapproval of the Personal Services Contracts.

VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.



Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on December 2, 2003.

VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye.

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WALTER VAUGHN  
Executive Officer  
California State Personnel Board